

**UNITED STATES DISTRICT COURT**

for

NORTHERN DISTRICT OF CALIFORNIA

San Jose Venue

AUG - 1 2008

RICHARD W. WILLIAMS  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**Request for Modifying the Conditions or Term of Supervision**

**with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Cheryl Smith Docket No.: CR-07-00651-001 RS

Name of Sentencing Judge: Richard Seeborg  
United States Magistrate Judge

Date of Original Sentence: March 27, 2008

**Original Offense:**

Count 1: False Report to Department of Housing and Urban Development, 18 U.S.C. § 1012, a Class A misdemeanor

Original Sentence: Three (3) years probation.

Special Conditions: special assessment \$25.00; restitution \$19,779.80; no new lines of credit or debt; defendant may continue to reside in San Luis Obispo County, in the Central District of California, subject to supervision by the Probation Office for the Northern District of California unless and until courtesy supervision can be established.

Type of Supervision: Probation  
Assistant U.S. Attorney: Susan Knight

Date Supervision Commenced: March 27, 2008  
Defense Counsel: Cynthia Lie (AFPD)

**Petitioning the Court**

To modify the conditions of supervision as follows:

The defendant shall provide the probation officer with access to any financial information.

**Cause**

The offender is currently on courtesy supervision in the Central District of California. According to the probation officer, due to the nature and extent of restitution owed, the proposed modification is being sought to further assist in monitoring the offender's repayment plan and compliance with supervision requirements. In support, the offender has agreed to this proposed action as indicated by her signature on the attached Waiver of Hearing to Modify Conditions.

Cheryl Smith  
CR-07-00651-001 RS


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The Assistant U.S. Attorney and Defense Counsel have been notified and there are no objections.

Respectfully submitted,

Reviewed by:

  
Wayne A. Mirikitani  
U.S. Probation Officer Assistant

  
Amy Rizor  
Supervisory U.S. Probation Officer


Date Signed: July 29, 2008

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THE COURT ORDERS:

- 85 ☒ To modify the conditions of supervision as follows:  
The defendant shall provide the probation officer with access to any financial information.
- ☐ Submit a request for warrant
  - ☐ Submit a request for summons
  - ☐ Other:

8-1-08  
Date

  
Richard Seeborg  
United States Magistrate Judge

Prob 49  
(03/89)

## United States District Court

Eastern District of California for Northern District of California (Case No. CR07-00651-001 RS)


### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The offender shall provide the probation officer with access to any requested financial information.

Witness

  
\_\_\_\_\_  
Melinda S. Peyret  
Senior U.S. Probation Officer

X Signed

  
\_\_\_\_\_  
Cheryl SMITH  
Probationer or Supervised Releasee

  
\_\_\_\_\_  
Date